

III. REMARKS

Claims 1-18 are now pending in this application. By this amendment, claims 1-18 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 4, 5, 12, 13, 17, and 18 are objected to but would be allowable if rewritten to incorporate all the limitations of the base claim and any intervening claims. Applicant gratefully appreciates the indication of allowable subject matter. Based on the remarks below Applicant respectfully contends that the independent claims 1, 9, and 14 are allowable as currently written.

In the Office Action, claims 1-3, 7-11 and 14-16 are rejected under 102(a) as allegedly being anticipated by Applicant's admitted prior art described in the background of the invention (Admitted Prior Art). Further, in the Office Action, claim 6 is rejected under 103(a) as allegedly being unpatentable over Applicant's Admitted Prior Art in view of Lyles *et al.* (U.S. Patent No. 6,563,829).

With respect to claim 1, Applicant submits that any Admitted Prior Art by the applicant fails to disclose each and every feature of the claimed invention as is required under 102(a). For example, the Admitted Prior Art does not disclose or suggest, *inter alia*, any of the data transmission *means*, transmission *means*, or monitoring *means* as is claimed in the present invention. (Emphasis added)(See claim 1, as similarly recited in claim 9.)

Interpreting the sections of the application that Examiner is alleging as “Admitted Prior Art” only for the purposes of this response, Applicant submits that, to the contrary, the “Admitted Prior Art” that the Examiner cites is only found at Figure 1; Figure 3; page 1, lines 21-26; and, page 2, line 30 – page 3, line 25. Office Action, page 2-3. These figures and sections of the specification merely discuss in broad terms a known transmission system that includes a primary station 2 coupled, via a transmission medium 14, to a plurality of secondary stations 4, 6, 8, 10, 12. Further, pages 1 through 4 of the specification discuss the various problems and shortcomings of these typical transmission systems including the inability of transmission systems, in general, and some secondary stations, specifically, to handle unsolicited grants nor to detect whether unsolicited grants can be handled. Page 4, lines 4-21.

To the contrary, the present invention is able to, *inter alia*, both detect the ability to handle unsolicited grants *and* to handle unsolicited grants. Title. For example, Figures 4-8, and the specification, on whole, discuss the novel aspects of the claimed invention including the data transmission request means 36, 42, 44 (see e.g., page 10, line 21 – page 11, line 12); the transmission means 20, 22, 26 (see e.g., page 9, line 20 – page 10, line 20); and, the monitoring means 22, 28 (see e.g., page 9, line 29 – page 10, line 20). The specification shows that the invention, when applied to a transmission system, provides certain features and accomplishes certain objects, as discussed at length on page 4, line 24 through page 6, line 21. There is simply no teaching, or suggestion, in the Admitted Prior Art of any of these features. The section of the specification and figures cited by the Examiner (i.e., the “Admitted Prior Art”) is entirely devoid of any disclosure, teaching, or suggestion of any of the means that are disclosed and claimed in the invention.

Accordingly, Applicant submits that there is no disclosure or suggestion in the Admitted Prior Art of any similar type of data transmission request means, transmission means, or monitoring means, with respect to claim 1. Therefore, Applicants respectfully request withdrawal of the rejection.

In the Office Action, independent claim 9 is rejected under the same rationale as claim 1. As a result, Applicant herein incorporate the arguments submitted above with respect to claim 1. Additionally, the Admitted Prior Art does not teach, or suggest, any type of receiving means, as in claim 9. As discussed above, the Admitted Prior Art is silent regarding any of the type of receiving means 22, 24, 28 that are in claim 9 and discussed in the specification, for example, from page 9, line 25 through page 10, line 20. Accordingly, Applicant respectfully requests withdrawal of the rejection.

With respect to independent claim 14, Applicant submits that any Admitted Prior Art by the Applicant fails to disclose each and every feature of the claimed invention as is required under 102(a). For example, the Admitted Prior Art does not disclose or suggest, *inter alia*, the transmitting of an *unsolicited* data transmission grant, nor of monitoring the transmission of data in response to the *unsolicited* data transmission grant, as in the amended claim. (Emphasis added)(See claim 14). To the contrary, the Admitted Prior Art is entirely silent regarding unsolicited data transmission grants. Accordingly, Applicant respectfully requests withdrawal of the rejection.

With respect to dependent claims 2-8, 10-13, and 15-18 Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

Comments on Statement of Reasons for Allowance:

While Applicant hereby acknowledges the Examiner's statement of reasons for allowance, Applicant herein notes that there may be additional reasons for allowance beyond those made in the statement.

IV. CONCLUSION

In light of the above remarks, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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(JJC)

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